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15 UNITED STATES DISTRICT COURT
16 EASTERN DISTRICT OF WASHINGTON

17 SULEIMAN ABDULLAH SALIM,
18 *et al.*,

19 Plaintiffs,

20 v.

21 JAMES E. MITCHELL and JOHN
22 JESSEN,
23 Defendants.

No. 2:15-CV-286-JLQ

UNITED STATES' RESPONSE TO
THE COURT'S MAY 12, 2016
ORDER ADDRESSING
PRODUCTION OF DEFENDANTS'
NON-DISCLOSURE AGREEMENTS
AND CONTRACTS

1 The Court's May 12, 2016 Order directed the United States to file a statement
2 as to its position on providing the Defendants with copies of the non-disclosure
3 agreements and contracts that were discussed at the in-court hearing on April 22,
4 2106, and the timeline for any such production. *See* Order at 2 (ECF No. 45). In
5 response to the Court's Order, the United States hereby reports that it provided
6 Defendants with copies of their non-disclosure agreements on May 20, 2016. The
7 copies provided to Defendants contain minor redactions to protect, among other
8 things, classified information and Central Intelligence Agency (CIA) internal and
9 personnel-related information.
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13 The United States also intends to produce to Defendants copies of the relevant
14 contracts governing Defendants' work on the CIA's former detention and
15 interrogation program. Following the April 22, 2016 hearing in this case, the United
16 States initiated a diligent search to identify and gather the relevant contracts. The
17 search was recently completed and resulted in the collection of multiple potentially
18 relevant contracts between the CIA and Defendants. These contracts, including
19 modifications thereto, total approximately several hundred pages.
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22 Given the potential sensitivity of the information contained within the contracts,
23 the United States is currently undertaking a careful review and clearance process
24 designed to protect any privileged, protected, or classified information from improper
25 disclosure. This process of line-by-line review, including potential redaction and
26 withholding, necessitated by the Government's responsibility to ensure that
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1 “information bearing on national security” is appropriately protected from harmful
2 disclosure, *Dep’t of the Navy v. Egan*, 484 U.S. 518, 527 (1988), includes careful
3 scrutiny of the contracts by multiple offices within the CIA, including appropriate
4 subject matter experts and original classification authorities. *See* Executive Order
5 13526, Classified National Security Information, 75 Fed. Reg. 707 (Dec. 29, 2009)
6 (explaining the role of an original classification authority in classifying and
7 declassifying national security information). The United States currently estimates
8 that this review and clearance process will be completed by July 1, 2016. Upon
9 completion of this process, the United States will produce appropriately authorized
10 unclassified versions of the relevant contracts to Defendants.
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15 Dated: May 23, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of the filing to the following attorneys:

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